

By Senator Grimsley

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1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 requiring the department to adopt rules governing the
4 use of the department's excess fiber optic
5 communication networks for nontransportation purposes;
6 providing an effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Department of Transportation policy for use of
11 excess data transmission capacity.—By July 1, 2014, the
12 Department of Transportation shall adopt rules governing the use
13 of the department's excess fiber optic communication networks by
14 local governmental entities for nontransportation purposes. The
15 rules must comply with state law and, if applicable, federal
16 regulations governing property acquired with federal aid. The
17 rules may allow, but are not required to allow, any
18 nontransportation use. However, if such nontransportation use is
19 allowed, the rules must:

20 (1) Provide for an interlocal agreement to define the
21 agreed upon parameters for use of the department's fiber optic
22 network. The agreement must define each party's respective
23 rights and roles and must preserve the department's right to
24 terminate the agreement if the right-of-way area occupied by the
25 fiber optic cable is subsequently required for transportation
26 purposes.

27 (2) Establish a statewide policy for the allowed use of the
28 fiber optic network. The policy must be consistent with federal
29 regulations governing federal-aid projects, provide for future

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30 fiber optic needs for transportation purposes, and include
31 requirements for a needs analysis to be performed before each
32 nontransportation use is considered.

33 Section 2. This act shall take effect July 1, 2013.